



OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 5

GOVERNMENT OF GOA

Goa Legislature Secretariat

Notification

La/C/MLA-Act/21/07

In exercise of the powers conferred by section 26 read with sections 16 and 17 of the Goa Salary, Allowances and Pension of Members of the Goa Legislative Assembly Act, 2004 (Act 20 of 2004), the Speaker of the Goa Legislative Assembly hereby makes the following rules so as to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Medical Treatment) Rules, 2006, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Medical Treatment) (First Amendment) Rules, 2007.

(2) They shall come into force at once.

2. *Amendment of Rule 8.*— In rule 8 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Medical Treatment) Rules, 2006, the following proviso shall be inserted, namely:—

“provided that on an application, if any, made in this behalf by any Member or ex-Member, the Speaker may, if he thinks that it is fit case to be considered for relaxation, by order for the

reasons to be recorded in writing, relax the provision relating to the requirement of production of said certificate “B” in form III.

By order and in the name of the Speaker of the Goa Legislative Assembly.

T. N. Dhruva Kumar, Secretary Legislature.

Porvorim, 3rd April, 2007.

Department of Personnel

Notification

6/5/87-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State Civil Services (Encashment of Earned Leave), Rules, 2007.

(2) They shall come into force with effect from 1-4-2007.

2. *Surrender of earned leave.*— (1) A Government employee shall be allowed to surrender earned leave, at his option, to the extent of 30 days in a calendar year subject to availment of not less than 30 days earned leave and on the conditions specified hereunder:—

(a) The surrender of earned leave shall not be allowed more than once in any calendar year.

(b) The application for surrender of earned leave shall be made alongwith the application for grant of leave.

(c) The number of days of earned leave surrendered under these rules shall be reckoned as surrendered on the date of commencement of actual leave taken and deducted from the leave account of the Government employee on that date.

(d) The total of the earned leave actually availed of and the earned leave surrendered shall not exceed the maximum leave admissible to the Government employee at any one time viz. 300 days.

(e) The balance of earned leave at the credit of the Government employee after debiting the sum total of earned leave availed and earned leave surrendered, shall not be less than 15 days.

(f) On return from earned leave, the Government employee shall serve the Government for a period of not less than that of the earned leave surrendered.

(g) In the case of a Government employee who is on the verge of retirement, the period of leave surrendered shall not exceed the period of duty between the date of expiry of earned leave actually availed of and the date of retirement.

(h) The surrender of earned leave shall not be allowed in the case of leave preparatory to retirement or refused leave.

(i) The surrender of earned leave shall not be admissible to a Government employee who resigns while on leave.

(j) A Government employee who is permitted to surrender his leave shall not ordinarily be permitted to rejoin duty before the expiry of the thirty days leave sanctioned to him.

(k) In case of compulsory recall to duty, the Government employee shall be allowed to enjoy the balance of his earned leave before expiry of a period of six months from the date on which he proceeded on earned leave or before he again proceeds on earned leave with surrender of earned leave, whichever is earlier. The leave

sanctioning authority shall grant leave to such a Government employee during the prescribed period if he applies for it. If, however, the Government employee concerned himself does not ask for being allowed to enjoy the balance of the earned leave, the balance of the earned leave shall lapse and the said period would be debited to his leave account as if he had enjoyed it.

(l) The concession shall be admissible to a Government employee who is on foreign service or on deputation to the Central Government or to any other State Government.

(m) If a Government employee, during his deputation to the Central Government or other State Government or at the end of it, surrenders earned leave at his credit and in consideration thereof becomes entitled to additional remuneration representing cash value of the leave surrendered, the liability for the payment of additional remuneration including other compensatory allowances relatable to the cash value of leave surrendered, shall devolve on the Government of Goa.

(n) In the case of a Government employee who is on foreign service, a clause to the effect that the Government employee shall be entitled to the benefit of surrender of leave and the expenditure towards compensatory allowances including dearness allowance on the leave so surrendered while on foreign service, shall be borne by the foreign employer, should be incorporated in the terms and conditions.

(o) When the leave availed spreads over two calendar years, the leave surrendered under these rules shall be reckoned as surrendered from the calendar year during which the leave availed commences.

(2) The authorities who are empowered under the Central Civil Service (Leave) Rules, 1972, to sanction earned leave shall be competent to accept surrender of earned leave.

(3) The leave salary and allowances admissible for the leave surrendered shall be at the rate of leave salary and allowances admissible at the commencement of earned leave and shall include dearness allowance, compensatory local allowances and non-practising allowances but shall not include house rent allowance. For this purpose, a month shall be reckoned as of 30 days,

irrespective of the month in which the leave is availed of.

(4) The grant of annual increment shall be as laid down in the Fundamental Rules with reference to earned leave availed of and not with reference to earned leave surrendered.

(5) The amount of leave salary and allowances for the surrendered leave may be claimed in advance but not earlier than six days before the commencement of leave and shall not be liable to deductions on account of any advances, etc. The leave sanctioning authority shall insert a clause in the sanctioning order itself to the effect that in case the leave had to be cancelled by the competent authority before the date from which the Government employee was to proceed on leave, the amount of leave salary and allowances for the surrendered leave shall be refunded forthwith to the Government by the Government employee in one installment or adjusted in full in the first monthly pay/leave salary bill of the Government employee.

(6) (a) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered in the case of non-Gazetted Government employee and Gazetted Officers, details of the surrendered leave shall be noted in their service books/cards and in their leave accounts conspicuously when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the service book and the leave account, shall be furnished by the Drawing and Disbursing Officer in the bill in

which the leave salary for the surrendered leave is drawn.

(b) In respect of Gazetted Officers, the Accounts Officer who certifies the admissibility of earned leave, shall debit in the leave account of the Gazetted Officer concerned, the amount of earned leave surrendered on receipt of orders accepting the surrender of leave from the competent authority.

7. *Powers to relax.*— Where, the Head of any Department/Office under the Government is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, he may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of such provisions to such an extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the approval of the Government, after obtaining concurrence of the Personnel Department and the Finance Department.

By order and in the name of the Governor
of Goa.

Yetindra M. Maralkar, Joint Secretary
(Personnel).

Porvorim, 30th March, 2007.